

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONAL ASSOCIATION FOR GUN
RIGHTS, INC., et al.,

Plaintiffs,

v.

CITY OF SAN JOSE, et al.,

Defendants.

Case No. 22-cv-00501-BLF

**ORDER CONSOLIDATING RELATED
CASES**

HOWARD JARVIS TAXPAYERS
ASSOCIATION, et al.,

Plaintiffs,

v.

CITY OF SAN JOSE,

Defendant.

Case No. 22-cv-02365-BLF

On April 20, 2022, the Court issued Orders to Show Cause Why Cases Should Not Be Consolidated in both of the above referenced cases. Order to Show Cause, No. 22-cv-00501-BLF, ECF No. 52; Order to Show Cause, No. 22-cv-02365-BLF, ECF No. 6.

Plaintiffs National Association for Gun Rights, Inc. and Mark Sikes (collectively, “NAGR Plaintiffs”) have not opposed consolidation, so long as it does not delay the Court’s decision on their motion for preliminary injunction, which the Court has already issued. *See* NAGR Pls.’ Response to Order to Show Cause, No. 22-cv-00501, ECF No. 54. Plaintiffs in Case No. 22-cv-02365 (“HJTA Plaintiffs”) have objected to consolidation to the extent it would add delay and expense to their case by requiring an evidentiary trial. *See* HJTA Pls.’ Response to Order to Show Cause, No. 22-cv-02365, ECF No. 15. Defendants in both cases have not opposed consolidation

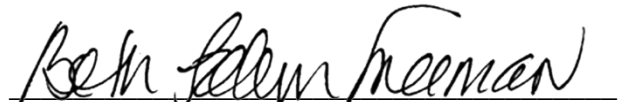
and take the position that the cases should be consolidated for all purposes. *See* Defs.’ Response to Order to Show Cause, No. 22-cv-00501, ECF No. 53; Response to Order to Show Cause, No. 22-cv-02365, ECF No. 14.

“If actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” Fed. R. Civ. P. 42(a). The “district court has broad discretion under this rule to consolidate cases pending in the same district.” *Investors Research Co. v. U.S. Dist. Court for Cent. Dist. of California*, 877 F.2d 777, 777 (9th Cir. 1989). Here, these two cases share several common questions of both law and fact. Both NAGR Plaintiffs and HJTA Plaintiffs assert claims arising under the First Amendment and article XIII C of the California Constitution. *See* First Amended Complaint (“NAGR Compl.”) ¶¶ 106-115, 122-133, No. 22-cv-00501, ECF No. 19; Complaint (“HJTA Compl.”) ¶¶ 9-19, 24-31, No. 22-cv-02365, ECF No. 1. More broadly, both sets of plaintiffs seek to enjoin or invalidate portions of the City of San Jose’s recent gun harm ordinance. *See* NAGR Compl., at 25; HJTA Compl., at 8. Regarding HJTA Plaintiffs’ concerns of delays from an evidentiary trial, they are free to seek relief and accommodation under a consolidated case should the need arise; however, these concerns do not outweigh the substantial administrative benefits from consolidation at the present stage in the proceedings, given these cases’ significant overlap.

Accordingly, the Court CONSOLIDATES Case Nos. 22-cv-00501 and 22-cv-02365 for all purposes. For administrative purposes, the docket in the later-filed case, No. 22-cv-02365, shall be closed.

IT IS SO ORDERED.

Dated: September 30, 2022


BETH LABSON FREEMAN
United States District Judge